

Senate File 20 - Introduced

SENATE FILE _____
BY COURTNEY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to elections in drainage or levee districts
2 managed by a board of trustees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1230SS 83
5 da/rj/14

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1 1 Section 1. Section 468.506, Code 2009, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 468.506 ELIGIBILITY OF TRUSTEES.
1 5 Each trustee shall be a citizen of the United States, not
1 6 less than eighteen years of age, and the owner of land in the
1 7 drainage or levee district managed by the trustee's board, and
1 8 either a resident of the county in which that district is
1 9 located or a resident of a county that is adjacent to or
1 10 corners the county in which the district is located.
1 11 Sec. 2. Section 468.510, Code 2009, is amended to read as
1 12 follows:
1 13 468.510 QUALIFICATIONS OF VOTERS.
1 14 Each landowner eighteen years of age or over without regard
1 15 to sex and any railway or other corporation owning land in
1 16 said district assessed for benefits shall be entitled to one
1 17 vote only, ~~except as provided in section 468.511.~~
1 18 Sec. 3. Section 468.511, subsection 1, Code 2009, is
1 19 amended to read as follows:
1 20 1. ~~When a petition asking for the right to vote in
1 21 proportion to assessment of benefits at all elections for any
1 22 purpose thereafter to be held within said district, signed by
1 23 a majority of the landowners owning land within said district
1 24 assessed for benefits, is filed with the board of trustees,
1 25 then, in all elections of trustees thereafter held within said
1 26 district, any person whose land is assessed for benefits
1 27 without regard to age, sex, or condition shall be entitled to
1 28 one vote for each ten dollars or fraction thereof of the
1 29 original assessment under the current classification against
1 30 the land actually owned by the person in said district at the
1 31 time of the election, but in order to have such ballot counted
1 32 for more than one vote the voter shall write the voter's name
1 33 upon the ballot. The vote of any landowner of the district
1 34 may be cast by absent voters ballot as provided in chapter 53
1 35 except that the form of the applications for ballots, the
2 1 voters' affidavits on the envelopes, and the endorsement of
2 2 the carrier envelope for preserving the ballot shall be
2 3 substantially in the form provided in subsections 2, 3 and 4,
2 4 below. Application blanks, envelopes and ballots shall be
2 5 provided by and submitted to the office of the county auditor
2 6 in which the election is held. The cost of such blanks,
2 7 envelopes, ballots and postage shall be paid by the district.
2 8 For the purpose of this subchapter all landowners of the
2 9 district shall be considered qualified voters, regardless of
2 10 their place of residence.
2 11 Sec. 4. Section 468.512, Code 2009, is amended to read as
2 12 follows:
2 13 468.512 VOTE BY AGENT.
2 14 ~~Except where the provisions of section 468.511, providing
2 15 for vote in proportion to assessment are invoked, any A person
2 16 or corporation owning land or right of way within the district
2 17 and assessed for benefits may have the person's or the
2 18 corporation's vote cast by the person's or the corporation's~~~~

2 19 agent or proxy authorized to cast such vote by a power of
2 20 attorney signed and acknowledged by such person or
2 21 corporation, and filed before such vote is cast in the
2 22 auditor's office of the county in which such election is held.
2 23 Every such power of attorney shall specify the particular
2 24 election for which it is to be used, indicating the day,
2 25 month, and year of such election, and shall be void for all
2 26 elections subsequently held. ~~The vote of the owner of any
2 27 land in a drainage or levee district in any election, where
2 28 the vote is not determined by assessment, may be cast by
2 29 absent voters ballot in the same manner and form and subject
2 30 to the same rights and restrictions as is provided in section
2 31 468.511 relating to vote by absentee ballot when votes are
2 32 determined by assessment.~~

2 33 EXPLANATION

2 34 Code chapter 468, subchapter III, provides for the
2 35 management of drainage or levee districts by a board of
3 1 trustees elected by landowners in the district.
3 2 Code section 468.506 provides for the eligibility of
3 3 trustees, including by requiring that each trustee be (1) an
3 4 owner of agricultural land in the district, and a resident of
3 5 the county in which the district is located or a county which
3 6 is contiguous or corners the district; (2) an owner of
3 7 nonagricultural land in the district and a resident of that
3 8 district; (3) a stockholder of a family farm corporation and a
3 9 resident of the county in which the district is located or a
3 10 county which is contiguous to or corners on the county; or (4)
3 11 in a district in which 85 percent of the district is in the
3 12 corporate limits of a city, an owner of benefited land in the
3 13 district. This bill rewrites the section to provide that each
3 14 trustee must own land in the district and be a resident of the
3 15 county in which the district is located or a resident of a
3 16 county that is adjacent to or corners that county.

3 17 Code section 468.510 provides that each landowner in the
3 18 district who is at least 18 years old or corporations are
3 19 entitled to one vote, with one exception provided in Code
3 20 section 468.511, which in part allows landowners to vote in
3 21 proportion of their assessment of benefits at all elections
3 22 within the district. The bill eliminates that exception.

3 23 LSB 1230SS 83

3 24 da/rj/14.2